

REMARKS

The Examiner has rejected claims 1-36. By this amendment, Applicant has cancelled claims 1-36 and substituted therefor new claims 37-84 which incorporate subject matter from original claims 1-36, thus no new matter has been entered. Accordingly, claims 37-84 are now pending in the present application.

A. Rejection Under 35 U.S.C. § 112, second paragraph

The Examiner rejected original claims 5, 8-10, 15, 26, 29, 35 and 36 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has added new claims which clarify the cited indefinite claim language. Accordingly, all rejections under 35 U.S.C. §112 are believed to be completely satisfied. These rejections are moot in view of canceling claims 1-36. However, Applicants submit the added claims are patentable over these references taken alone or in combination.

B. Rejection Under 35 U.S.C. §102(b)

Claims 1-4, 7-10, 12-23, 27, and 29-36 were rejected under 35 U.S.C. §102(b) as being anticipated by *Sawamoto et al.* (US 5,298,255). Moreover, the Examiner also rejected claims 1-4, 7, 9, 12-23 and 27-36 as being anticipated by either *Dinh et al.* (US 5,510,077) or *Dinh* (US 5,591,227).

Independent claims 37 and 57 are directed to a fibrin material and a method for making a fibrin containing material. Claim 37 recites that the fibrin material has an elongated structure having at least a portion stretched in at least one longitudinal stretching direction. Support for this amendment may be found on page 7, ¶ 2 of the Application. Claim 57 specifies a method for making a fibrin material having a first and second component. The first component being a fibrinogen-containing material and the second component being a substance having the capability to convert fibrinogen into fibrin. The method further includes mixing the first and second component to form a fibrin containing material. The fibrin material is then stretched in a longitudinal direction forming an elongated structure.

1. *Sawamoto et al.* Does Not Anticipate the Present Invention

Sawamoto et al. does not disclose or suggest the present invention, and indeed discloses a fibrin material that is far different from the claimed invention. More specifically, *Sawamoto et al.* merely relates to antithrombic stents which include forming a fibrin layer on a substrate which is made of a polymer material. *Sawamoto et al.* does not disclose or suggest stretching fibrin in a longitudinal direction. Accordingly, since all newly submitted claims include this limitation Applicant submits that all claims are clearly patentable over *Sawamoto et al.*

2. *Dinh et al.* or *Dinh* Do Not Anticipate the Present Invention

The Examiner further rejected original claims 1-4, 7, 9, 12-23 and 27-36 as being clearly anticipated by *Dinh et al.* (US 5,510,077) or *Dinh* (US 5,591,227). These rejections are mooted based upon this amendment, but the added claims are patentable over these references taken alone or in combination.

Applicant submits these references also do not disclose or suggest the present invention. The fibrin stents disclosed in *Dinh* are clearly not elongated or stretched in a longitudinal direction. Rather, *Dinh* discloses compressing the stent and radially stretching fibers that are randomly distributed (col. 10 line 30-42). This type of radial compression and stretching would clearly not lead to the elongated longitudinally stretched fibrin materials of the present invention. Accordingly, Applicant submits that all new claims are clearly patentable over both *Dinh* references.

C. Rejection Under 35 U.S.C. §103(a)

Claims 1-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Sawamoto et al.* (US 2,398,255), or *Dinh et al.* (US 5,510,077), or *Dinh* (US 5,591,227). Applicant respectfully traverses this rejection, insofar as it applies to the newly submitted claims, and requests withdrawal of the same.

As discussed in more detail above, the fibrin materials of the present invention are not disclosed or even remotely suggested by any of the cited references. The fibrin materials disclosed in all of the above cited references are clearly not elongated and stretched in a

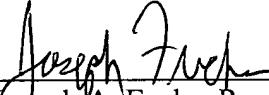
longitudinal direction as is required by the claimed invention. Accordingly, Applicant submits that all pending claims are patentable over the art of record.

CONCLUSION

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that Claims 37-84 are patentable over the cited prior art, and are in condition for allowance.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: November 14, 2002

BY 
Joseph A. Fuchs, Reg. No. 34,604
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4335



Version with Markings to Show Changes Made

Claims 1-36 have been canceled and new claims 37-84 have been added.